



January 14, 2005

HOUSE BILL No. 1182

DIGEST OF HB 1182 (Updated January 13, 2005 11:24 am - DI 92)

Citations Affected: IC 6-1.1; IC 36-7.

Synopsis: Permanent extension of TIF. Eliminates the December 31, 2005, deadline for creation of tax increment finance (TIF) allocation areas.

Effective: July 1, 2005.

Leonard, Heim, Moses

January 6, 2005, read first time and referred to Committee on Ways and Means.
January 13, 2005, reported — Do Pass.

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HB 1182—LS 7070/DI 44+



January 14, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1182

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-39-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If the fiscal body
3 of a unit finds that:

4 (1) in order to promote opportunities for the gainful employment
5 of its citizens, the attraction of a new business enterprise to the
6 unit, the retention or expansion of a business enterprise existing
7 within the boundaries of the unit, or the preservation or
8 enhancement of the tax base of the unit, an area under the fiscal
9 body's jurisdiction should be declared an economic development
10 district;

11 (2) the public health and welfare of the unit will be benefited by
12 designating the area as an economic development district; and

13 (3) there has been proposed a qualified industrial development
14 project to be located in the economic development district, with
15 the proposal supported by:

16 (A) financial and economic data; and

17 (B) preliminary commitments by business enterprises,

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1 associations, state or federal governmental units, or similar
 2 entities that evidence a reasonable likelihood that the proposed
 3 qualified industrial development project will be initiated and
 4 accomplished;

5 the fiscal body may ~~before January 1, 2006~~, adopt an ordinance
 6 declaring the area to be an economic development district and
 7 declaring that the public health and welfare of the unit will be benefited
 8 by the designation.

9 (b) For the purpose of adopting an ordinance under subsection (a),
 10 it is sufficient to describe the boundaries of the area by its location in
 11 relation to public ways or streams or otherwise as determined by the
 12 fiscal body.

13 SECTION 2. IC 36-7-14-39 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39. (a) As used in this
 15 section:

16 "Allocation area" means that part of a blighted area to which an
 17 allocation provision of a declaratory resolution adopted under section
 18 15 of this chapter refers for purposes of distribution and allocation of
 19 property taxes.

20 "Base assessed value" means the following:

21 (1) If an allocation provision is adopted after June 30, 1995, in a
 22 declaratory resolution or an amendment to a declaratory
 23 resolution establishing an economic development area:

24 (A) the net assessed value of all the property as finally
 25 determined for the assessment date immediately preceding the
 26 effective date of the allocation provision of the declaratory
 27 resolution, as adjusted under subsection (h); plus

28 (B) to the extent that it is not included in clause (A), the net
 29 assessed value of property that is assessed as residential
 30 property under the rules of the department of local government
 31 finance, as finally determined for any assessment date after the
 32 effective date of the allocation provision.

33 (2) If an allocation provision is adopted after June 30, 1997, in a
 34 declaratory resolution or an amendment to a declaratory
 35 resolution establishing a blighted area:

36 (A) the net assessed value of all the property as finally
 37 determined for the assessment date immediately preceding the
 38 effective date of the allocation provision of the declaratory
 39 resolution, as adjusted under subsection (h); plus

40 (B) to the extent that it is not included in clause (A), the net
 41 assessed value of property that is assessed as residential
 42 property under the rules of the department of local government

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finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a blighted area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded portion of the area added after June 30, 1995.

(6) If an allocation area established in a blighted area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded portion of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter ~~before January 1, 2006~~, may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the

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manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution ~~before January 1, 2006~~, in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the blighted area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

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(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.

(I) Pay all or a portion of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section

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39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective

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1 date of the allocation provision of the declaratory resolution is the
2 lesser of:

- 3 (1) the assessed value of the property for the assessment date with
4 respect to which the allocation and distribution is made; or
5 (2) the base assessed value.

6 (d) Property tax proceeds allocable to the redevelopment district
7 under subsection (b)(2) may, subject to subsection (b)(3), be
8 irrevocably pledged by the redevelopment district for payment as set
9 forth in subsection (b)(2).

10 (e) Notwithstanding any other law, each assessor shall, upon
11 petition of the redevelopment commission, reassess the taxable
12 property situated upon or in, or added to, the allocation area, effective
13 on the next assessment date after the petition.

14 (f) Notwithstanding any other law, the assessed value of all taxable
15 property in the allocation area, for purposes of tax limitation, property
16 tax replacement, and formulation of the budget, tax rate, and tax levy
17 for each political subdivision in which the property is located is the
18 lesser of:

- 19 (1) the assessed value of the property as valued without regard to
20 this section; or
21 (2) the base assessed value.

22 (g) If any part of the allocation area is located in an enterprise zone
23 created under IC 4-4-6.1, the unit that designated the allocation area
24 shall create funds as specified in this subsection. A unit that has
25 obligations, bonds, or leases payable from allocated tax proceeds under
26 subsection (b)(2) shall establish an allocation fund for the purposes
27 specified in subsection (b)(2) and a special zone fund. Such a unit
28 shall, until the end of the enterprise zone phase out period, deposit each
29 year in the special zone fund any amount in the allocation fund derived
30 from property tax proceeds in excess of those described in subsection
31 (b)(1) from property located in the enterprise zone that exceeds the
32 amount sufficient for the purposes specified in subsection (b)(2) for the
33 year. The amount sufficient for purposes specified in subsection (b)(2)
34 for the year shall be determined based on the pro rata portion of such
35 current property tax proceeds from the portion of the enterprise zone
36 that is within the allocation area as compared to all such current
37 property tax proceeds derived from the allocation area. A unit that has
38 no obligations, bonds, or leases payable from allocated tax proceeds
39 under subsection (b)(2) shall establish a special zone fund and deposit
40 all the property tax proceeds in excess of those described in subsection
41 (b)(1) in the fund derived from property tax proceeds in excess of those
42 described in subsection (b)(1) from property located in the enterprise

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zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that portion of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 3. IC 36-7-15.1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a blighted area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential

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property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a blighted area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a blighted area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded portion of the area added after June 30, 1995.

(6) If an allocation area established in a blighted area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded portion of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted

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1 before June 1, 1987, "property taxes" also includes taxes imposed
 2 under IC 6-1.1 on depreciable personal property. If a redevelopment
 3 commission adopted before June 1, 1987, a resolution to include within
 4 the definition of property taxes taxes imposed under IC 6-1.1 on
 5 depreciable personal property that has a useful life in excess of eight
 6 (8) years, the commission may by resolution determine the percentage
 7 of taxes imposed under IC 6-1.1 on all depreciable personal property
 8 that will be included within the definition of property taxes. However,
 9 the percentage included must not exceed twenty-five percent (25%) of
 10 the taxes imposed under IC 6-1.1 on all depreciable personal property.

11 (b) A resolution adopted under section 8 of this chapter ~~before~~
 12 ~~January 1, 2006~~, may include a provision with respect to the allocation
 13 and distribution of property taxes for the purposes and in the manner
 14 provided in this section. A resolution previously adopted may include
 15 an allocation provision by the amendment of that resolution ~~before~~
 16 ~~January 1, 2006~~, in accordance with the procedures required for its
 17 original adoption. A declaratory resolution or an amendment that
 18 establishes an allocation provision after June 30, 1995, must specify an
 19 expiration date for the allocation provision that may not be more than
 20 thirty (30) years after the date on which the allocation provision is
 21 established. However, if bonds or other obligations that were scheduled
 22 when issued to mature before the specified expiration date and that are
 23 payable only from allocated tax proceeds with respect to the allocation
 24 area remain outstanding as of the expiration date, the allocation
 25 provision does not expire until all of the bonds or other obligations are
 26 no longer outstanding. The allocation provision may apply to all or part
 27 of the blighted area. The allocation provision must require that any
 28 property taxes subsequently levied by or for the benefit of any public
 29 body entitled to a distribution of property taxes on taxable property in
 30 the allocation area be allocated and distributed as follows:

31 (1) Except as otherwise provided in this section, the proceeds of
 32 the taxes attributable to the lesser of:

33 (A) the assessed value of the property for the assessment date
 34 with respect to which the allocation and distribution is made;
 35 or

36 (B) the base assessed value;
 37 shall be allocated to and, when collected, paid into the funds of
 38 the respective taxing units.

39 (2) Except as otherwise provided in this section, property tax
 40 proceeds in excess of those described in subdivision (1) shall be
 41 allocated to the redevelopment district and, when collected, paid
 42 into a special fund for that allocation area that may be used by the

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1 redevelopment district only to do one (1) or more of the
2 following:

3 (A) Pay the principal of and interest on any obligations
4 payable solely from allocated tax proceeds that are incurred by
5 the redevelopment district for the purpose of financing or
6 refinancing the redevelopment of that allocation area.

7 (B) Establish, augment, or restore the debt service reserve for
8 bonds payable solely or in part from allocated tax proceeds in
9 that allocation area.

10 (C) Pay the principal of and interest on bonds payable from
11 allocated tax proceeds in that allocation area and from the
12 special tax levied under section 19 of this chapter.

13 (D) Pay the principal of and interest on bonds issued by the
14 consolidated city to pay for local public improvements in that
15 allocation area.

16 (E) Pay premiums on the redemption before maturity of bonds
17 payable solely or in part from allocated tax proceeds in that
18 allocation area.

19 (F) Make payments on leases payable from allocated tax
20 proceeds in that allocation area under section 17.1 of this
21 chapter.

22 (G) Reimburse the consolidated city for expenditures for local
23 public improvements (which include buildings, parking
24 facilities, and other items set forth in section 17 of this
25 chapter) in that allocation area.

26 (H) Reimburse the unit for rentals paid by it for a building or
27 parking facility in that allocation area under any lease entered
28 into under IC 36-1-10.

29 (I) Reimburse public and private entities for expenses incurred
30 in training employees of industrial facilities that are located:

31 (i) in the allocation area; and

32 (ii) on a parcel of real property that has been classified as
33 industrial property under the rules of the department of local
34 government finance.

35 However, the total amount of money spent for this purpose in
36 any year may not exceed the total amount of money in the
37 allocation fund that is attributable to property taxes paid by the
38 industrial facilities described in this clause. The
39 reimbursements under this clause must be made within three
40 (3) years after the date on which the investments that are the
41 basis for the increment financing are made.

42 The special fund may not be used for operating expenses of the

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commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocated area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 4-4-6.1, the unit that designated the allocation area

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shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that portion of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the

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property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 4. IC 36-7-15.1-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a blighted area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter ~~before January 1, 2006~~, may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution ~~before January 1, 2006~~, in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation

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1 area remain outstanding as of the expiration date, the allocation
 2 provision does not expire until all of the bonds or other obligations are
 3 no longer outstanding. The allocation provision may apply to all or part
 4 of the blighted area. The allocation provision must require that any
 5 property taxes subsequently levied by or for the benefit of any public
 6 body entitled to a distribution of property taxes on taxable property in
 7 the allocation area be allocated and distributed as follows:

8 (1) Except as otherwise provided in this section, the proceeds of
 9 the taxes attributable to the lesser of:

10 (A) the assessed value of the property for the assessment date
 11 with respect to which the allocation and distribution is made;
 12 or

13 (B) the base assessed value;

14 shall be allocated to and, when collected, paid into the funds of
 15 the respective taxing units.

16 (2) Except as otherwise provided in this section, property tax
 17 proceeds in excess of those described in subdivision (1) shall be
 18 allocated to the redevelopment district and, when collected, paid
 19 into a special fund for that allocation area that may be used by the
 20 redevelopment district only to do one (1) or more of the
 21 following:

22 (A) Pay the principal of and interest on any obligations
 23 payable solely from allocated tax proceeds that are incurred by
 24 the redevelopment district for the purpose of financing or
 25 refinancing the redevelopment of that allocation area.

26 (B) Establish, augment, or restore the debt service reserve for
 27 bonds payable solely or in part from allocated tax proceeds in
 28 that allocation area.

29 (C) Pay the principal of and interest on bonds payable from
 30 allocated tax proceeds in that allocation area and from the
 31 special tax levied under section 50 of this chapter.

32 (D) Pay the principal of and interest on bonds issued by the
 33 excluded city to pay for local public improvements in that
 34 allocation area.

35 (E) Pay premiums on the redemption before maturity of bonds
 36 payable solely or in part from allocated tax proceeds in that
 37 allocation area.

38 (F) Make payments on leases payable from allocated tax
 39 proceeds in that allocation area under section 46 of this
 40 chapter.

41 (G) Reimburse the excluded city for expenditures for local
 42 public improvements (which include buildings, park facilities,

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and other items set forth in section 45 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

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1 (2) the base assessed value.

2 (d) Property tax proceeds allocable to the redevelopment district
3 under subsection (b)(2) may, subject to subsection (b)(3), be
4 irrevocably pledged by the redevelopment district for payment as set
5 forth in subsection (b)(2).

6 (e) Notwithstanding any other law, each assessor shall, upon
7 petition of the commission, reassess the taxable property situated upon
8 or in, or added to, the allocation area, effective on the next assessment
9 date after the petition.

10 (f) Notwithstanding any other law, the assessed value of all taxable
11 property in the allocation area, for purposes of tax limitation, property
12 tax replacement, and formulation of the budget, tax rate, and tax levy
13 for each political subdivision in which the property is located, is the
14 lesser of:

15 (1) the assessed value of the property as valued without regard to
16 this section; or

17 (2) the base assessed value.

18 (g) If any part of the allocation area is located in an enterprise zone
19 created under IC 4-4-6.1, the unit that designated the allocation area
20 shall create funds as specified in this subsection. A unit that has
21 obligations, bonds, or leases payable from allocated tax proceeds under
22 subsection (b)(2) shall establish an allocation fund for the purposes
23 specified in subsection (b)(2) and a special zone fund. Such a unit
24 shall, until the end of the enterprise zone phase out period, deposit each
25 year in the special zone fund the amount in the allocation fund derived
26 from property tax proceeds in excess of those described in subsection
27 (b)(1) from property located in the enterprise zone that exceeds the
28 amount sufficient for the purposes specified in subsection (b)(2) for the
29 year. A unit that has no obligations, bonds, or leases payable from
30 allocated tax proceeds under subsection (b)(2) shall establish a special
31 zone fund and deposit all the property tax proceeds in excess of those
32 described in subsection (b)(1) in the fund derived from property tax
33 proceeds in excess of those described in subsection (b)(1) from
34 property located in the enterprise zone. The unit that creates the special
35 zone fund shall use the fund, based on the recommendations of the
36 urban enterprise association, for one (1) or more of the following
37 purposes:

38 (1) To pay for programs in job training, job enrichment, and basic
39 skill development designed to benefit residents and employers in
40 the enterprise zone. The programs must reserve at least one-half
41 (1/2) of the enrollment in any session for residents of the
42 enterprise zone.

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(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 22, nays 0.

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